

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES, SHEET METAL WORKERS'
NATIONAL PENSION FUND, BOARD OF TRUSTEES,
INTERNATIONAL TRAINING INSTITUTE FOR
THE SHEET METAL AND AIR CONDITIONING
INDUSTRY, BOARD OF TRUSTEES, NATIONAL
STABILIZATION AGREEMENT OF THE SHEET
METAL INDUSTRY TRUST FUND, BOARD OF
TRUSTEES, SHEET METAL OCCUPATIONAL
HEALTH INSTITUTE TRUST, BOARD OF TRUSTEES,
NATIONAL ENERGY MANAGEMENT INSTITUTE,

Plaintiffs,
-against-

MEGRANT CORPORATION.,
Defendant.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**
18-CV-4870 (DRH)(SIL)

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated July 10, 2019, recommending that Plaintiffs' motion for default judgment, appearing at Docket Entry [12], be granted and that Plaintiffs be awarded damages as follows:

(1) unpaid contributions in the amount of \$8,163.25.00; (2) an Exit Contribution in the amount of \$58,190.91; (3) interest on the unpaid contributions in the amount of \$1,616.12 through August 2, 2018, with additional interest to be calculated through the date of judgment herein at a rate of 0.0233% per day, compounded daily; (4) interest on the Exit Contribution in the amount of \$585.88 through August 2, 2018, with additional interest to be calculated through the date of judgment herein at rate of 0.0233% per day, compounded daily; (5) liquidated damages on the unpaid contributions in the amount of \$1,632.69; (6) liquidated damages on the Exit Contribution in the amount of \$11,638.18; (7) audit fees in the amount of \$1,605.00; (5) attorney's fees in the amount of \$6,491.50; and (6) costs in the amount of \$734.00, for a total monetary award of \$830,653.63, plus additional interest through the date of judgment.

More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the July 10, 2019 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion for default judgment is granted and Plaintiffs are awarded damages as follows: (1) unpaid contributions in the amount of \$8,163.25.00; (2) an Exit Contribution in the amount of \$58,190.91; (3) interest on the unpaid contributions in the amount of \$1,616.12 through August 2, 2018, with additional interest to be calculated through the date of judgment herein at a rate of 0.0233% per day, compounded daily; (4) interest on the Exit Contribution in the amount of \$585.88 through August 2, 2018, with additional interest to be calculated through the date of judgment herein at rate of 0.0233% per day, compounded daily; (5) liquidated damages on the unpaid contributions in the amount of \$1,632.69; (6) liquidated damages on the Exit Contribution in the amount of \$11,638.18; (7) audit fees in the amount of \$1,605.00; (5) attorney's fees in the amount of \$6,491.50; and (6) costs in the amount of \$734.00, for a total monetary award of \$830,653.63, plus the additional interest set forth above calculated through the date of judgment herein. . The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: Central Islip, New York
August 2, 2019

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge